

REMARKS

Claims 26 and 46-60 are pending and subject to restriction by the Office. Claim 26 is cancelled herein without prejudice or disclaimer. Claims 61-66 are added herein. Claims 46-66 will be pending after entry of the present amendment.

New claims 61-66 are supported throughout the specification and the claims as originally filed. These new claims are structured to fall within the present group election and are properly examined together with claims 46-60. No new matter is added.

The Examiner has imposed a restriction under 35 U.S.C. §121 and is requiring an election between:

Group I: Claim 26, drawn to an isolated extracellular domain sequence of Apo-3 comprising residues 1-198 of (SEQ ID NO:6), classified in class 530, subclass 350.

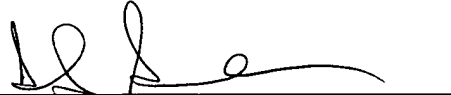
Group II: Claims 46-60, drawn to a method of blocking or inhibiting Apo-3 receptor using and anti-Apo-3 antibody, classified in class 435, subclass 7.1.

Applicant elects the invention embodied in group II (claims 46-60) drawn to methods of blocking or inhibiting Apo-3 receptor, classified in class 435, subclass 7.1.

Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

In the unlikely event that the Patent Office determines that extensions and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or fees due to our Deposit Account No. 18-1260, referencing Docket No. 22338-1205. Any refund should be credited to the same account. The Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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